



#6

ATTORNEY DOCKET NO. DASI.005.00US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Philippe Pouletty, *et al.*

) Examiner: Not yet assigned

Serial No.: 10/057,791

) Art Unit: Not yet assigned

Filed: January 23, 2002

Title: New amphetamine derivatives, antibodies
against them and pharmaceutical
compositions containing them) PETITION TO FILE UNDER
) 37 C.F.R. 1.47(a)BOX MISSING PARTS
Commissioner for Patents
Washington, D.C. 20231

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OCT 25 2002

OFFICE OF PETITIONS

Sir:

Pursuant to 37 C.F.R. § 1.47(a), Applicants hereby petition to file the above-referenced application in view of the refusal of inventor Philippe Pouletty to sign the necessary documents to properly respond to the Notice to File Missing Parts mailed on 3/22/2002. For the required fee under 37 C.F.R. §1.17(h), *see* Transmittal.

The pertinent facts in support of filing the above-referenced application in the absence of Dr. Pouletty's signature are as follows:

The above-identified patent application was filed with the U.S. Patent and Trademark Office on January 23, 2002 with an unexecuted Declaration and Power of Attorney. On January

CERTIFICATE OF FIRST CLASS MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to BOX MISSING PARTS, Commissioner for Patents, Washington, D.C. 20231:

September 23 2002
(Date)K. Patchen
(Signature)Karen Patchen
(Printed Name)

10/02/2002 MMEKONEN 00000067 10057791

02 FC:122

130.00 0P



PATENT

ATTORNEY DOCKET NO. DASL.005.00US

25, 2002 formal documents were sent to Philippe Pouletty at his last known address for execution, including: (i) an Assignment to DrugAbuse Sciences, Inc., and (ii) a Combined Inventor Declaration and Power of Attorney.


Dr. Philippe Pouletty executed on April 5, 2002 the Assignment to DrugAbuse Sciences, Inc. and then returned the executed document. He has not, however, returned an executed Combined Inventor Declaration and Power of Attorney neither at the same time nor on any of the several subsequent occasions when he was asked to execute and return this document. *See* attached statements of facts by Holly Tucker, Director Contracts and Intellectual Property of the assignee, DrugAbuse Sciences, Inc. and Barbara Rae-Venter, attorney of record for the assignee DrugAbuse Sciences, Inc.

The last known residence address of inventor Philippe Pouletty is: 3, rue Maitre Albert, 75005 Paris, France.

A filing date is necessary to preserve the rights of the assignee or to prevent irreparable damage.

Respectfully submitted,

Dated: September 23, 2002


Barbara Rae-Venter, Ph.D.
Reg. No. 32,750

Rae-Venter Law Group, P.C.
PO Box 1898
Monterey, CA 93942-1898
Phone: (831) 648-3090
Facsimile: (831) 242-0137

BRV/ma

RECEIVED

OCT 25 2002

OFFICE OF PETITIONS



ATTORNEY DOCKET NO. DASI.005.00US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Philippe Pouletty, *et al.*

Serial No.: 10/057,791

Filed: January 23, 2002

Title: New amphetamine derivatives, antibodies
against them and pharmaceutical
compositions containing them

) Examiner: Not yet assigned

) Art Unit: Not yet assigned

) **DECLARATION BY HOLLY**
) **TUCKER OF FACTS IN SUPPORT**
) **OF FILING ON BEHALF OF**
) **INVENTOR UNDER 37 C.F.R.**
§1.47(a)

BOX MISSING PARTS
Commissioner for Patents
Washington, D.C. 20231

Sir:

The undersigned, Holly Tucker, hereby declares and states:

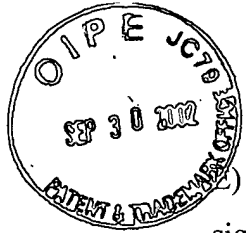
1. I am Director of Contracts and Intellectual Property at DrugAbuse Sciences, Inc., a corporation having its principal place of business at 25954 Eden Landing Road, Second Floor, Hayward, CA 94545, the assignee of the above-referenced application, and make this declaration as to facts in support of the filing on behalf of the omitted inventor, Dr. Philpipo Pouletty, as based upon the following, he is refusing to sign the inventor oath.
2. On about August 15, 2002, I was advised by our patent counsel, Barbara Rae-Venter, that she had not received an executed inventor oath from Dr Philippe Pouletty.
3. On August 15, 2002 I sent Dr. Philippe Pouletty an e-mail message advising him that he would be receiving a Combined Inventor Declaration and Power of Attorney for signature in connection with the above-referenced application (Exhibit D).
4. On August 16, 2002 I sent to Dr. Philippe Pouletty a package by Federal Express (see Exhibit

CERTIFICATE OF FIRST-CLASS MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first-class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on

September 23 2002
(Date)
Signature: K Patchon

Printed Name: Karen Patchon

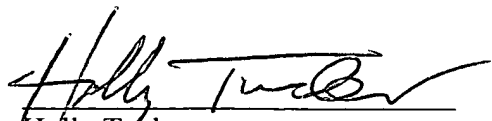


-) enclosing a copy of the Combined Inventor Declaration and Power of Attorney for his signature and a copy of the above-referenced application as filed. The Federal Express online tracking system shows that this package was delivered to the specified address on August 20, 2002 and signed for by "Muarti" (see Exhibit F).
5. As an executed Combined Inventor Declaration and Power of Attorney was not returned by Dr. Philippe Pouletty, I sent him another Combined Inventor Declaration and Power of Attorney and a complete copy of the application on September 18, 2002 by Federal Express (see Exhibit F).
 6. On September 19, 2002 I left a message on Dr. Philippe Pouletty's voicemail advising him about the new delivery. On September 20, 2002 the online Federal Express tracking system logged an "incorrect address" remark regarding their delivery attempt (see exhibit G).
 7. As of the date indicated below, I have not received an executed Combined Inventor Declaration and Power of Attorney from Dr. Philippe Pouletty, nor do I have any information indicating that a Combined Inventor Declaration and Power of Attorney has been signed by Dr. Philippe Pouletty in connection with the above-referenced application.
 8. Dr. Philippe Pouletty's last known vacation address is: Route de la Cathedral, Saint Florent, Corsica 20217 France. Dr. Philippe Pouletty's last known home address is: 3, rue Maitre Albert 75005 Paris France.
 9. Irreparable damage will result if a filing date is not obtained for this application. This invention is the result of considerable effort and expense in a relatively active field. In order for Applicants to maintain their rights to the subject matter of this invention, the filing date of this application is required.

DECLARATION

The undersigned further declares that all statements made herein of her own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Dated: Sept 20, 2002

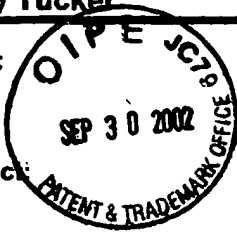

Holly Tucker

Director, Contracts and Intellectual Property
Title

Barbara Rae-Venter, Ph.D. Docket No. DASI.005.00US
Reg. No. 32,750 Telephone: (831) 648-3090
Inventor: Philippe Pouletty *et al.* Art Unit: Not yet assigned
Serial No.: 10/057,791 Examiner: Not yet assigned
Title: New amphetamine derivatives, antibodies against them
and pharmaceutical compositions containing them
Exhibit: D Sheet: 1 of 1

Holly Tucker

From: Holly Tucker [hstucker@drugabusesciences.com]
Sent: Thursday, August 15, 2002 2:27 PM
To: Philippe Pouletty (E-mail 2); Philippe Pouletty (E-mail)
Cc: Michelle Chavez (E-mail)
Subject: MAP-AB patent signature



Dear Philippe,

Barbara Rae-Venter has asked me to get your signature on the "Combined Inventor Declaration and Power of Attorney" form for the U.S. MAP-AB patent application. Apparently the US Patent and Trademark Office needs the signed form in hand before they will review our response to their examination of the application. Michelle will send the form to you in Corsica (let us know if we should send it somewhere else). Please sign and return the form to her as soon as possible.

Thanks,

Holly Tucker
Director, Contracts and Intellectual Property
DrugAbuse Sciences, Inc.
Phone: (510) 259-3204
Fax: (510) 259-3201
<http://www.drugabusesciences.com/>

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Delivery Location:
Delivery Date: August 20, 2002
Delivery Time: 1500

Shipping Information:

Tracking No: 790025654762

Ship Date: August 16, 2002

Recipient:
PHILIPPE POULETTY

ROUTE DE LA CATHEDRAL
SAINT FLORENT, CORSICA, 20217
FR

Shipper:
Y. MICHELLE CHAVEZ
DRUG ABUSE SCIENCES

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US

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Barbara Rae-Venter, Ph.D.
Reg. No. 32,750
Inventor: Philippe Pouletty *et al.*
Serial No.: 10/057,791
Title: New amphetamine derivatives, antibodies against them
and pharmaceutical compositions containing them
Exhibit: E
Sheet: 1 of 4
Docket No. DASI005.00US
Telephone: (831) 648-3090
Art Unit: Not yet assigned
Examiner: Not yet assigned

Sheet: 2 of 4

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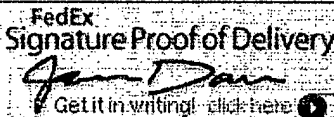
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Signed For By MURATI

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Package status NICE FR	08/18/2002 01:25	In transit in destination country
Left FedEx Sort Facility PARIS FR	08/17/2002 23:11	
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Left FedEx Sort Facility MEMPHIS TN	08/17/2002 05:51	
Left FedEx Sort Facility MEMPHIS TN	08/17/2002 02:31	
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Arrived at Sort Facility OAKLAND CA	08/16/2002 19:18	

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From

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To

To

Barbara Rae-Venter, Ph.D. Docket No. DASI 005 00US
Reg. No. 32,750 Telephone: (831) 648-3090
Inventor: Philippe Pouletty, *et al.* Art Unit: Not yet assigned
Serial No.: 10/057,791 Examiner: Not yet assigned
Title: New amphetamine derivatives, antibodies against them
and pharmaceutical compositions containing them
Exhibit: E Sheet: 4 of 4

September 18, 2002

Philippe Pouletty
3, rue Maître Albert
75005 Paris
France

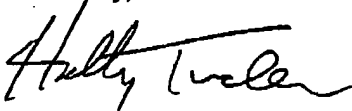
RE: MAP-AB Patent Application (US Patent Application No. 10/057,791)
DAS1.005.00US

Dear Philippe,

Enclosed is the Combined Inventor Declaration and Power of Attorney for the above-referenced patent application, along with a complete copy of the application. Please sign and return it at your earliest convenience in the enclosed Federal Express mailer. **If the signed Declaration is not filed in the United States Patent and Trademark Office by October 22, 2002, the application will be abandoned. No further extensions will be allowed.**

If you have questions about this matter, feel free to contact me at (510) 259-3204 or by e-mail at hstucker@drugabusesciences.com.

Sincerely,



Holly Tucker
Director, Contracts and Intellectual Property

Enclosure



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Reference Number

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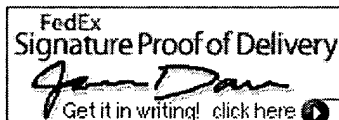
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Signed For By

Service Type Priority Pak

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Package statusAUBERVILLIERS FR	09/20/2002 21:37	Package in FedEx location
Delivery attemptAUBERVILLIERS FR	09/20/2002 09:37	Incorrect address
On FedEx vehicle for deliveryAUBERVILLIERS FR	09/20/2002 08:40	
Arrived at FedEx Destination LocationAUBERVILLIERS FR	09/20/2002 06:33	
Left FedEx Sort FacilityPARIS FR	09/19/2002 22:45	
Left FedEx Sort FacilityPARIS FR	09/19/2002 21:38	
Package statusPARIS FR	09/19/2002 21:09	Package available for clearance
Package statusPARIS FR	09/19/2002 21:09	
Arrived at Sort FacilityPARIS FR	09/19/2002 21:09	
Left FedEx Sort FacilityMEMPHIS TN	09/19/2002 02:40	
Left FedEx Sort FacilityMEMPHIS TN	09/19/2002 02:31	
Arrived at Sort FacilityOAKLAND CA	09/18/2002 19:25	

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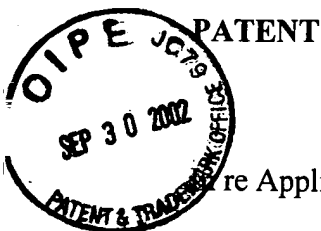
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Barbara Rae-Venter, Ph.D.
Reg. No. 32,750
Inventor: Philippe Poulety *et al.*
Serial No.: 10/057,791
Title: New amphetamine derivatives, antibodies against them
and pharmaceutical compositions containing them
Exhibit: G
Docket No. DAS1,005,00US
Telephone: (831) 648-3090
Art Unit: Not yet assigned
Examiner: Not yet assigned
Sheet: 2 of 2



ATTORNEY DOCKET NO. DAS1.005.00US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re Application of: Philippe Pouletty, *et al.*

Serial No.: 10/057,791

Filed: January 23, 2002

Title: New amphetamine derivatives, antibodies
against them and pharmaceutical
compositions containing them

) Examiner: Not yet assigned

)

) Art Unit: Not yet assigned

)

) **DECLARATION BY BARBARA**

) **RAE-VENTER OF FACTS IN**

) **SUPPORT OF FILING ON BEHALF**

) **OF INVENTOR UNDER 37 C.F.R.**

§1.47(a)

BOX MISSING PARTS

Commissioner for Patents

Washington, D.C. 20231

Sir:

I, Barbara Rae-Venter, hereby declare and state:

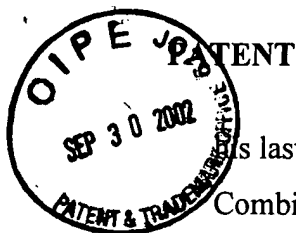
1. I am attorney of record for DrugAbuse Sciences, Inc., a corporation having its principal place of business at 25954 Eden Landing Road, Second Floor, Hayward, CA 94545, the assignee of the above-referenced application, and make this declaration as to facts in support of the filing on behalf of the omitted inventor, Dr. Phillipe Pouletty, as he has refused to sign the application papers.
2. The above-identified patent application was filed with the U.S. Patent and Trademark Office on January 23, 2002 with an unexecuted Declaration and Power of Attorney. On January 25, 2002 a copy of the above-referenced application as filed and formal documents for execution were sent to Dr. Phillipe Pouletty by the firm of Rae-Venter Law Group, P.C. (the Firm) at

CERTIFICATE OF FIRST CLASS MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to BOX MISSING PARTS, Commissioner for Patents, Washington, D.C. 20231:

September 23 2002
(Date)

Katchen
(Signature)
Karen Katchen



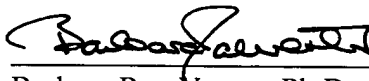
- his last known address, including: (i) an Assignment to DrugAbuse Sciences, Inc., and (ii) a Combined Inventor Declaration and Power of Attorney (*see* Exhibit A, attached hereto).
3. Dr. Philippe Pouletty signed on April 5, 2002 the Assignment to DrugAbuse Sciences, Inc. and then returned the signed document (see Exhibit B, attached hereto), but he returned a still unexecuted Combined Inventor Declaration and Power of Attorney.
 4. As it appeared to be an oversight that this Combined Inventor Declaration and Power of Attorney was returned unexecuted, another copy was sent by the Firm to Dr. Philippe Pouletty on August 14, 2002 for signature but the package was returned as undeliverable (see Exhibit C, attached hereto).
 5. Dr. Philippe Pouletty's last known address is: Route de la Cathedral, Saint Florent, Corsica 20217 France.
 6. Irreparable damage will result if a filing date is not obtained for this application. This invention is the result of considerable effort and expense in a relatively active field. In order for Applicants to maintain their rights to the subject matter of this invention, the filing date of this application is required.

DECLARATION

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true.

Respectfully submitted,

Dated: September 23, 2002



Barbara Rae-Venter, Ph.D.
Reg. No. 32,750

Rae-Venter Law Group, P.C.
PO Box 1898
Monterey, CA 93942-1898
Phone: (831) 648-3090
Facsimile: (831) 242-0137

BRV/ma



RAE-VENTER LAW GROUP, P.C.

intellectual property law



Barbara Rae-Venter, Ph.D.
Reg. No. 32,750
Inventor: Philippe Pouletty *et al.*
Serial No.: 10/057,791
Title: New amphetamine derivatives, antibodies against them
and pharmaceutical compositions containing them
Exhibit: A

Docket No. DASI.005.00US
Telephone: (831) 648-3090
Art Unit: Not yet assigned
Examiner: Not yet assigned
Sheet: 1 of 1

FILE COPY

BARBARA RAE-VENTER, Ph.D.

attorney at law January 25, 2002

Philippe Pouletty
3, rue Maitre Albert
75005 Paris
France

Re: New United States Patent Application
Title: **New amphetamine derivatives, antibodies against them and
pharmaceutical compositions containing them**
Our Reference: DASI.005.00US

Dear Dr. Pouletty:

Enclosed herewith is a copy of the above-identified patent application as it was filed on **January 23, 2002** in the U.S. Patent and Trademark Office. This copy is for your records.

Also enclosed are (1) a Declaration and Power of Attorney and (2) an Assignment. Please complete and return these documents to the undersigned attorney at your earliest convenience. An Inventor Instruction Sheet is also enclosed for your information.

If you have any questions, please do contact me.

Yours truly,

Barbara Rae-Venter, Ph.D.
Attorney at Law

BRV/dhw ~ Enclosures: Application as filed
Inventor Instruction Sheet
Formal Documents:
1) Declaration and Power of Attorney
2) Assignment

cc: Ms. Holly Tucker w/o enclosures



RAE-VENTER LAW GROUP, P.C.

intellectual property law

Barbara Rae-Venter, Ph.D.
Reg. No. 32,750
Inventor: Philippe Pouletty *et al.*
Serial No.: 10/057,791
Title: New amphetamine derivatives, antibodies against them
and pharmaceutical compositions containing them
Exhibit: C

Docket No. DASI.005.00US
Telephone: (831) 648-3090
Art Unit: Not yet assigned
Examiner: Not yet assigned
Sheet: 1 of 8

Registered Patent Attorneys and Agents

574 Cortes Street
Monterey, CA 93940
USA
(831) 648-3090 (Ph)
(831) 242-0137 (Fax)

1777 Oak Avenue, Suite A
Davis, CA 95616
USA
(530) 757-7580
(530) 757-7587

August 14, 2002

Philippe Pouletty
c/o DrugAbuse Sciences
48-50, rue Boissonade
75014 Paris
FRANCE

Re: Patent Application Serial No.: 10/057,791
Title: **New amphetamine derivatives, antibodies against them and
pharmaceutical compositions containing them**
Our Reference: DASI.005.00US

Dear Dr. Pouletty:

Enclosed herewith is a Combined Inventor Declaration and Power of Attorney for the above-referenced patent application. Although we received from you an executed Assignment for this case, the Declaration/Power of Attorney that was returned with it was unsigned. Please execute and return the Declaration/Power of Attorney at your earliest convenience.

If you have any questions, please do contact me.

Yours truly,

Barbara Rae-Venter, Ph.D.
Attorney at Law

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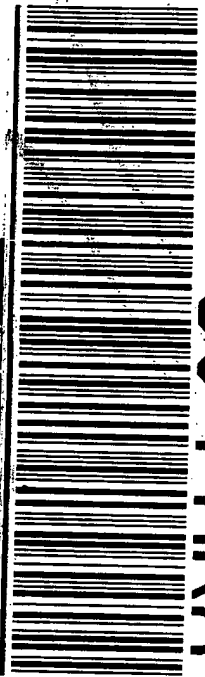
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Art Unit: Not yet assigned
Examiner: Not yet assigned
Sheet: 7 of 8

Barbara Rae-Venter, Ph.D.
Reg. No. 32,750
Inventor: Philippe Pouletty et al.
Serial No.: 10/357,791
Title: New amphetamine derivatives, antibodies against them and pharmaceutical compositions containing them
Exhibit: C

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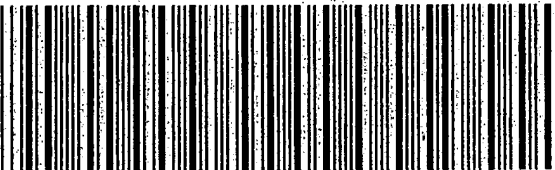
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7 Packaging ☒ FedEx 2 Pak ☐ FedEx 1 Other ☐ Packaging

8 Special Handling Not all options available to all destinations

Does this shipment contain dangerous goods? ☒ No ☐ Yes (See per attached Shipper's Declaration) ☐ Yes (Shipper's Declaration) ☐ Yes (Shipper's Declaration)

☒ No ☐ Yes (See per attached Shipper's Declaration) ☐ Yes (Shipper's Declaration) ☐ Yes (Shipper's Declaration)

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